

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GINA ANNE NOEL PANE,
Plaintiff,

- against -

Civil Action Number:
07 CV 3216 (WP4) (LMS)

**THE TOWN OF GREENBURGH,
JOHN KAPICA, in his capacity as
CHIEF OF THE GREENBURGH
NEW YORK POLICE
DEPARTMENT, ERIK WARD,
POLICE OFFICER MICHAEL
MUESSER, SERGEANT ROBERT
GRAMAGLIA, SERGEANT
FRANCIS PUMILLO, DETECTIVE
FERTIG, JOHN DOE POLICE
OFFICERS 1 - 10, SO NAMED AS
THEIR IDENTITIES HAVE YET TO
BE ESTABLISHED.**

Defendants.

**Plaintiff's Initial Disclosure
Pursuant to Rule 26(a)(1)**

Plaintiff, **GINA ANNE NOEL PANE**, by her attorneys, The Law Firm of Ravi Batra, P.C., as and for her initial disclosure pursuant to Rule 26(a)(1), hereby states as follows:

(A) At this time, the following individuals are believed to have discoverable information relevant to disputed facts:

PLAINTIFF

Gina Pane, 64 Doral Greens, Rye Brook, NY 10573

MEMBERS OF PLAINTIFF'S FAMILY

Adele Pane, 64 Doral Greens, Rye Brook, NY 10573

Eugene Pane, 64 Doral Greens, Rye Brook, NY 10573

PLAINTIFF'S FRIEND

Jake Piazza, 18 McCarthy Drive, Ossining, NY 10562

MEDICAL PROVIDERS

Vincent Meyer, M.D., 418 Geyser Road, # 14, Ballston Spa, NY 12020

William Hunt, M.D., Greenwich Hospital, Emergency Department, 5 Perry Ridge Road, Greenwich, CT 06830

Mark Anderson, M.D., 49 Lake Avenue, Greenwich, CT 06830

Kathryn A. Niebuhr, 145 Weaver Street, Greenwich, CT 06831

GREENBURGH POLICE DEPARTMENT PERSONNEL

Erik Ward, 125 North Washington Avenue, Apt. 26, Hartsdale, NY

John Kapica, 188 Tarrytown Road, Greenburgh, NY

Michael Muesser, 188 Tarrytown Road, Greenburgh, NY

Paul Fertig, 188 Tarrytown Road, Greenburgh, NY

Vincent LoGuidice, 188 Tarrytown Road, Greenburgh, NY

Francis Pumilo, 188 Tarrytown Road, Greenburgh, NY

Robert Gramaglia, 188 Tarrytown Road, Greenburgh, NY

Hugh Gallagher, 188 Tarrytown Road, Greenburgh, NY

Sgt. B.J. Ryan, 188 Tarrytown Road, Greenburgh, NY

Det. C.L. Rivera, 188 Tarrytown Road, Greenburgh, NY

Captain Decarlo, 188 Tarrytown Road, Greenburgh, NY

(Names obtained from 26(a) disclosure provided by Town of Greenburgh)

Edward Olson, 188 Tarrytown Road, Greenburgh, NY

James Duckham, 188 Tarrytown Road, Greenburgh, NY

Kera Knoesel, 188 Tarrytown Road, Greenburgh, NY

D. Massett, 188 Tarrytown Road, Greenburgh, NY

J. Perry, 188 Tarrytown Road, Greenburgh, NY

E. Lederer, 188 Tarrytown Road, Greenburgh, NY

K. Powell, 188 Tarrytown Road, Greenburgh, NY

Any and all other employees of the Greenburgh, New York Police Department, whose identities are not yet known to the plaintiff, who observed or were in contact with Gina Pane from the time of her arrest, during her detention until her release, upon her efforts to obtain the release of her motor vehicle, during any subsequent efforts to file a complaint, during any resulting investigation.

Any and all other employees of the Greenburgh, New York Police Department, whose identities are not yet known to the plaintiff, involved in drafting the search warrant to be executed at Erik Ward's home (the search warrant), obtaining the search warrant, preparing to execute the search warrant, executing the search warrant, and performance of any post search warrant execution procedures.

TOWN OF GREENBURGH PERSONNEL

Any and all other employees of the Town of Greenburgh, New York, whose identities are not yet known to the plaintiff, who observed or were in contact with Gina Pane from the time of her arrest, during her detention until her release, and upon her efforts to obtain the release of her motor vehicle, during any subsequent efforts to file a complaint, during any resulting investigation.

WESTCHESTER COUNTY DEPARTMENT OF LABORATORIES AND RESEARCH PERSONNEL

Susan Flaherty, 10 Dana Road, Valhalla, NY 10595

Daniel Rothenberg, 10 Dana Road, Valhalla, NY 10595

WESTCHESTER DISTRICT ATTORNEY'S OFFICE PERSONNEL

Michael Hughes, 111 Dr. Martin Luther King, Jr., Blvd., White Plains, NY 10601

Brian Conway, 111 Dr. Martin Luther King, Jr., Blvd., White Plains, NY 10601

Vincent O'Connell, 111 Dr. Martin Luther King, Jr., Blvd., White Plains, NY 10601

Gwendolyn Galef, 111 Dr. Martin Luther King, Jr., Blvd., White Plains, NY 10601

Any and all other employees of the Westchester County District Attorney's Office, whose identities are not yet known to the plaintiff, who observed or were in contact with Gina Pane from the time of her arrest, during her subsequent prosecution, during any subsequent efforts to file a complaint, and during any resulting investigation.

Any and all other employees of the Westchester County District Attorney's Office, whose identities are not yet known to the plaintiff, involved in drafting the search warrant to be executed at Erik Ward's home (the search warrant), obtaining the search warrant, preparing to execute the search warrant, executing the search warrant, and performance of any post search warrant execution procedures.

NATIONAL MEDICAL SERVICES LABORATORY PERSONNEL

Katherine L. Cross, 3701 Welsh Road, Willow Grove, PA 19090

Lawrence A. Presley, 3701 Welsh Road, Willow Grove, PA 19090

FBI PERSONNEL

Maureen Bottrell, FBI Laboratory, Quantico, VA 22135

RECRUITERS AND POTENTIAL EMPLOYERS

Jaclyn Genovese, Alden Staffing, 108 Corporate Park Drive, White Plains, NY 10604

Sandy Carol, Futures Staffing, 111 Bowman Avenue, Rye Brook, NY 10573

Nancy Marino, Lloyd Staffing, 140 Sherman Avenue, Fairfield, CT 06824

Neil Mastellone, Advantage Human Resourcing, 405 Lexington Avenue, New York, NY 10174

Kate Garrison, Innovative Group, Inc., 40 Gristmill Road, Suite 100, Howell, NJ 07731

Diane Masullo, Alpine Woods Capital Investors, LLC, 2500 Westchester Avenue, Suite 215, Purchase, NY 10577

Sean Garvey, Paloma Securities, LLC, Two American Lane, Greenwich, CT 06836

Mark Kitay, Paloma Securities, LLC, Two American Lane, Greenwich, CT 06836

Brad Rothbaum, Paloma Securities, LLC, Two American Lane, Greenwich, CT 06836

Michelle McGovern, Paloma Securities, LLC, Two American Lane, Greenwich, CT 06836

Lori Fava, Alliance Bernstein LP, One North Lexington Avenue, White Plains, NY 10601

Gayle Krauss, Gayle Lynne Personnel, 411 Theodore Fremd Avenue, Suite 206-South, Rye, NY 10580

Kathy Cuccia, X.L. Global Services, Inc., 70 Seaview Avenue, Stamford, CT 06902

Joe Signorelli, Kensico Capital Management, 55 Railroad Avenue, 2nd Floor, Greenwich, CT 06830

Gino Lubruzzo, Kensico Capital Management, 55 Railroad Avenue, 2nd Floor, Greenwich, CT 06830

Dominique Marder, Talor Grey, Inc., 300 Atlantic Street, 2nd Floor, Stamford, CT

06901

Jason Spitzer, Credit Suisse, 11 Madison Avenue, New York, NY 10010

Jacqueline DiNunzio, Credit Suisse, 11 Madison Avenue, New York, NY 10010

Amanda Goldstein, Credit Suisse, 11 Madison Avenue, New York, NY 10010

BACKGROUND CHECK PERSONNEL

Philip Davis, Research Analytics, LLC, 901 N. Washington Street, Suite 700,
Alexandria, VA 22314

(B) Description of documents and things relevant to disputed facts:

Charges and Specifications brought against Erik Ward by Greenburgh Board of Police Commissioners

Greenburgh Police Department Rules and Regulations Procedure 301.01

Greenburgh Police Department Rules and Regulations Procedure 405.07

Greenburgh Police Department Rules and Regulations Procedure 110.01

Answer interposed by Erik Ward in disciplinary proceedings brought against Ward by Greenburgh Board of Police Commissioners

Greenburgh Police Department Civilian Complaint Form with attached letter of Gina Pane dated January 23, 2006

Westchester District Attorney Criminal Investigation Unit statement form of statement by Gina Pane dated January 27, 2006

Superceding Misdemeanor Information signed by Vincent LoGuidice, dated May 18, 2006, Town Court, Town of Greenburgh, People v. Erik Ward

Supporting Deposition of John Kapica dated May 17, 2006

Supporting Deposition of Gina Pane dated May 16, 2006

Greenburgh Police Department business card with contact information for Erik Ward

Greenburgh Police Department photographic log dated January 31, 2006, Case # SIU # 06-001

Greenburgh Police Department property invoice dated January 27, 2006, case # SIU # 06-01, property # 14040

Greenburgh Police Department Evidence Recovery Log, dated January 27, 2006 D.D # SIU -06 -01, prepared by Lt. LoGiudice

Westchester County Department of Laboratories and Research: Division of Toxicological and Forensic Science Services Laboratory Analysis Information Sheet, Bar Code # C2006-0084, time stamped February 14, 2006 1333hrs

Westchester County Department of Laboratories and Research: Division of Toxicological and Forensic Science Services Request for Evidence Examination, Lab # C2006-0084, dated January 27, 2006, time stamped February 14, 2006 1333hrs

National Medical Services fecal material characterization report dated April 26, 2006

Greenburgh Police Department photographic log dated January 27, 2006, Case # SIU # 06-001

Greenburgh Police Department property invoice dated February 1, 2006, case # SIU # 06-01, property # 14052

Greenburgh Police Department property invoice dated February 1, 2006, case # SIU # 06-01, property # 14053

Westchester County Department of Laboratories and Research: Division of Toxicological and Forensic Science Services Laboratory Analysis Information Sheet, Bar Code # C2006-0084, time stamped February 14, 2006 1328hrs

Westchester County Department of Laboratories and Research: Division of Toxicological and Forensic Science Services Request for Evidence Examination, Lab # C2006-0084, dated January 27, 2006, time stamped February 14, 2006 1328hrs

Greenburgh Police Department property invoice dated February 1, 2006, case # SIU # 06-01, Evidence # 35558 - 35561

Greenburgh Police Department property invoice dated February 2, 2006, case # SIU # 06-01, Evidence # 35562 - 35564

Federal Bureau of Investigation Trace Evidence Unit (mineralogy) report dated May 2, 2006

Written statement of Jake Piazza dated January 31, 2006

Greenburgh Communication Message Inquiry, dated January 21, 2006 - January 22, 2006, date run: February 9, 2006

Greenburgh Police Department Miranda Card, dated January 21, 2006, 2215 hrs, signed by P.O. Muesser and Gina Pane

Misdemeanor Information signed by P.O. Muesser, dated January 21, 2006, Town Court, Town of Greenburgh, People v. Gina Pane

Chemical Test Warning form dated January 21, 2006, 2210 hrs, signed by P.O. Muesser and Gina Pane

Greenburgh Police Department property invoice dated January 27, 2006, case # 06-2037 property # 14017

Westchester County Department of Laboratories and Research: Division of Forensic Sciences, Supporting Deposition, Lab # D2006-0942, dated June 1, 2006, signed by Tammi Jacobs Schulman

Westchester County Department of Laboratories and Research: Division of Forensic Sciences facsimile transmission report pursuant to N.Y. CPL § 190.30, dated June 8, 2006

Westchester County Department of Laboratories and Research: Division of Forensic Sciences, Supporting Deposition, Lab # D2006-0942, dated May 23, 2006, signed by Tammi Jacobs Schulman

Westchester County Department of Laboratories and Research: Division of Forensic

Sciences facsimile transmission report pursuant to N.Y. CPL § 190.30, dated May 23, 2006

Medical records pertaining to care and treatment of Gina Pane provided by:

Vincent Meyer, M.D., 418 Geyser Road, # 14, Ballston Spa, NY 12020
Meyer, Malin and Associates, PLLC, # 14, Ballston Spa, NY 12020
William Hunt, M.D., Greenwich Hospital, Emergency Department,
5 Perry Ridge Road, Greenwich, CT 06830
Mark Anderson, M.D., 49 Lake Avenue, Greenwich, CT 06830
Kathryn A. Niebuhr, 145 Weaver Street, Greenwich, CT 06831

HIPAA compliant authorizations for counsel to obtain these records will be provided to counsel for all defendants.

Westchester County Department of Laboratories and Research: Division of
Toxicological and Forensic Science Services Request for Evidence Examination, Lab #
D2006-0585, dated January 21, 2006, agency property # 35502

Westchester County Department of Laboratories and Research: Division of
Toxicological and Forensic Science Services Request for Evidence Examination, Lab #
D2006-0942, dated January 21, 2006, agency property # 35503

Westchester County Department of Laboratories and Research: Division of
Toxicological and Forensic Science Services Request for Evidence Examination, Lab #
T2006-0039, dated January 21, 2006, agency property # 35504

Westchester County Department of Laboratories and Research: Forensic Toxicology,
Supporting Deposition, Lab # T006-0039, dated June 6, 2006, signed by Tammi Baker

Greenburgh Police Department Arrest Report pertaining to arrest of Gina Pane

Greenburgh Police Department property invoice dated January 21, 2006, Property #
14017

Supporting Deposition dated January 21, 2006 signed by P.O. Muesser
New York State Incident Report, Case # 06-2037, dated January 21, 2006, signed by
P.O. Muesser

Greenburgh Police Department Supplemental Report dated February 21, 2006, SIU Case # 06-01, Signed by P.O. Muesser

Greenburgh Police Department Supplemental Report dated February 21, 2006, SIU Case # 06-01, Signed by Sgt. Gramaglia
Westchester County District Attorney Crime Report, Greenburgh Police Department Form, dated January 21, 2006, 2135 hrs, incident # 06-2037, pertaining to Gina Pane, signed by P.O. Muesser

NYS DMV printout as to Gina Pane

NYS NYSID printout as to Gina Pane

© Damages Documentation.

Background report generated by: Philip Davis, Research Analytics, LLC, 901 N. Washington Street, Suite 700, Alexandria, VA 22314

Medical records pertaining to care and treatment of Gina Pane provided by:

Vincent Meyer, M.D., 418 Geyser Road, # 14, Ballston Spa, NY 12020
Meyer, Malin and Associates, PLLC, # 14, Ballston Spa, NY 12020
William Hunt, M.D., Greenwich Hospital, Emergency Department,
5 Perry Ridge Road, Greenwich, CT 06830
Mark Anderson, M.D., 49 Lake Avenue, Greenwich, CT 06830
Kathryn A. Niebuhr, 145 Weaver Street, Greenwich, CT 06831

HIPAA Compliant authorizations for access to these medical records will be provided to counsel for each defendant.

(D) Insurance Disclosure:

Medical insurance: Combined Life Insurance Co. Of New York/ Oxford Health Insurance

Dated: New York, New York
July 31, 2007

Yours, etc.

THE LAW FIRM OF RAVI BATRA, P.C.

Counsel for Plaintiff

/s/

Ravi Batra, Esq. (RB 4299)

Todd B. Sherman, Esq. (TS 4031)

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